

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**BRIAN RICHARDSON, MICHELLE
HUNT, JOHN WHITE AND
JACQUELINE BOWSER,
Plaintiffs,**

CIVIL ACTION

v.

NO. 15-6325

**VERDE ENERGY USA, INC.,
Defendant.**

ORDER

AND NOW, this 14th day of December, 2018, upon consideration of Defendant's Motions for Partial Summary Judgment (ECF Nos. 73 & 75) and briefing in support thereof, and Plaintiffs' briefing in opposition thereto, **IT IS HEREBY ORDERED** that:

1. Defendant's motion is **GRANTED** as to Plaintiffs' claims based on Defendant's alleged use of an "automatic telephone dialing system." Plaintiffs' claims based on Defendant's alleged use of an "automatic telephone dialing system" will therefore be **DISMISSED WITH PREJUDICE**.

2. Defendant's motion is **GRANTED** as to Plaintiffs' claims based on those calls placed on:

- a. October 26, 2015 to Plaintiff Hunt;
- b. May 13, 2016 to Plaintiff Villiger; and
- c. November 18, 2015 to Plaintiff Bowser;

Plaintiffs' claims based on the aforementioned calls will therefore be **DISMISSED WITH PREJUDICE**.

3. Defendant's motion is **DENIED** as to Plaintiffs' claims based on the alleged use of an artificial or prerecorded voice for the remainder of the calls placed to Plaintiffs.

4. Defendant's motion is **DENIED** as to the remainder of Plaintiff Richardson's claims.

IT IS FURTHER ORDERED that, upon consideration of Defendant's Motion to Strike Class Allegations (ECF No. 74) and briefing in support thereof, and Plaintiffs' briefing in opposition thereto, Defendant's motion is **DENIED**.

IT IS FURTHER ORDERED that Plaintiffs' Motion to Preclude Filing of Certain Reply Briefs (ECF No. 77) is **DENIED AS MOOT**.

BY THE COURT:

/S/WENDY BEETLESTONE, J.

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